

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CARSON P., by his next friend) 4:05CV3241
Crystal Foreman, et al.,)
)
Plaintiffs,)
)
vs.) **MEMORANDUM**
) **AND ORDER**
DAVE HEINEMAN, as Governor)
of the State of Nebraska, et al.,)
)
Defendants.)

The parties have filed a “Stipulation Regarding Scheduling” (filing 75) in which they seek to extend response deadlines for the plaintiffs’ Motion for Class Certification and Appointment of Class Counsel (filing 11) and the defendants’ Motion to Dismiss (filing 70). I shall consider only that portion of the Stipulation pertaining to the motion pending before me—that is, the Motion to Dismiss.¹ Construing the Stipulation as a motion, I shall grant the motion in part.

IT IS ORDERED:

1. The parties’ “Stipulation Regarding Scheduling” (filing 75), construed as a motion to enlarge response times, is granted in part as follows;
2. Plaintiffs shall file their opposition to the defendants’ Motion to Dismiss (filing 70) on or before April 14, 2006;

¹Because Magistrate Judge Piester is considering the Motion for Class Certification and Appointment of Class Counsel (filing 11), he shall rule on the parties’ Stipulation Regarding Scheduling as it pertains to that motion.

3. Defendants shall file their reply, if any, in further support of their Motion to Dismiss on or before May 5, 2006;
4. The Clerk of Court shall adjust the court's computerized record-keeping system to reflect that the "response due" date on the defendants' Motion to Dismiss (filing 70) is now May 5, 2006;
5. Magistrate Judge Piester shall rule on the portion of the parties' "Stipulation Regarding Scheduling" (filing 75) pertaining to the plaintiffs' Motion for Class Certification and Appointment of Class Counsel (filing 11).

March 15, 2006.

BY THE COURT:
s/ *Richard G. Kopf*
United States District Judge